

R	26	E
---	----	---

TO SAMIRIA

T

15

5

O measured 3 CFS

Q recommended 2nd CES

Volume _____

Acreage -	161
Found	

recommended	16/
-------------	-----

Subdv. 5

Amendments				
------------	--	--	--	--

☐ None

☐ P.D.

☒ Place of use

4			
5			

Q.D.:

$$Vol = 2 \times 2.4 \times 210 = 1008 \text{ ccft}$$

Vol	161 x 3.5	563.5	avg
ml/min			typ.

30

81

50

161

CREEK

5

14

30

Wm
THORPE

66

007

(FARM)
1STED

A
51.2
(GRAIN?)

B
24.8

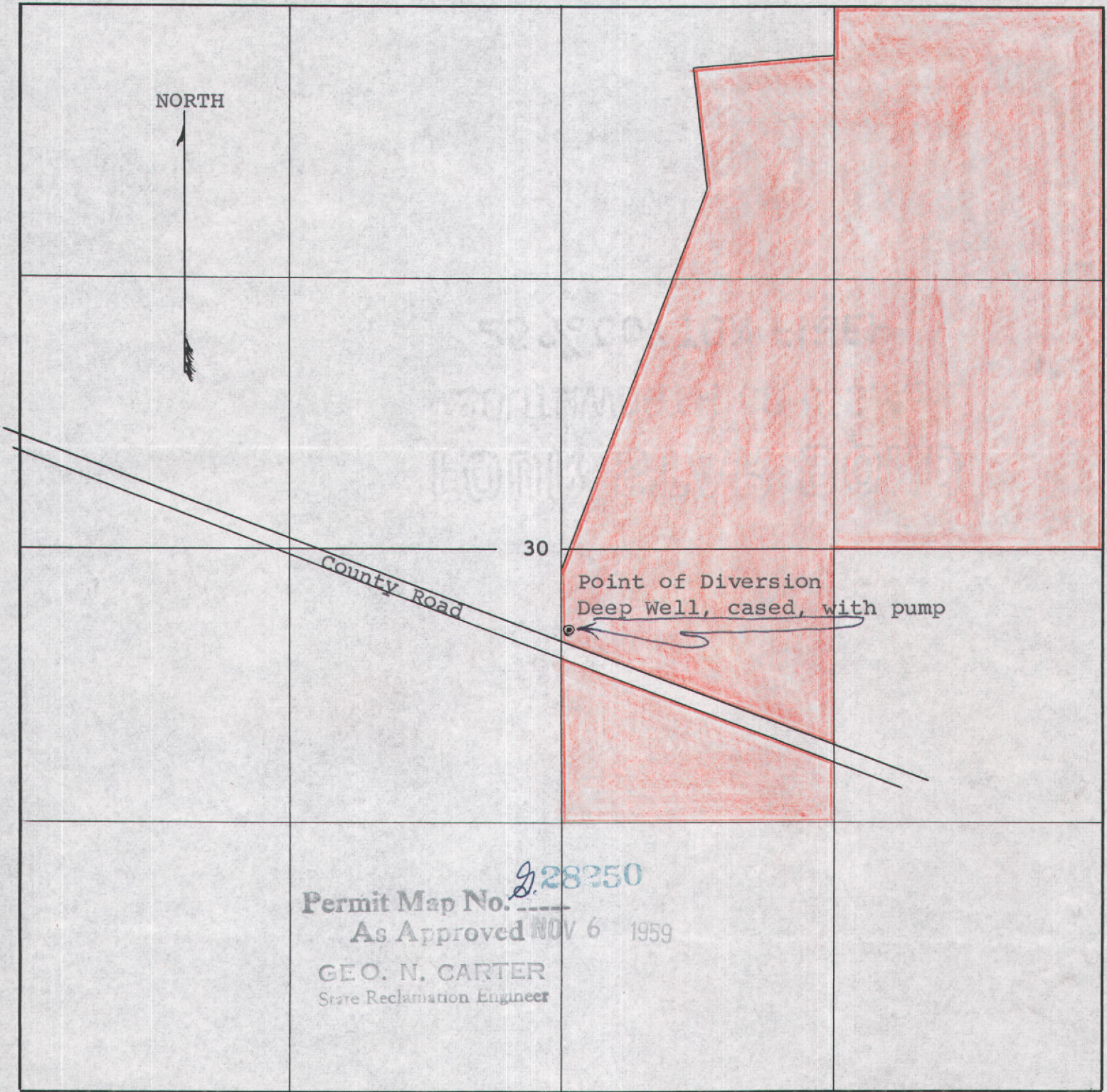
main

C
15.3

ROAD

Name of Applicant:
DAVID W. JENKINS
P. O. Box 121, Malad, Idaho

Section 30, Township 15 South, Range 36 East, Boise Meridian



Scale: 1 inch = 40 rods

exam made
July 15-70

28250

RECEIVED
DEC 3 1964

Department of Reclamation

RECEIVED
DEC 7 1964

Department of Reclamation

Affidavit of Publication

State of Idaho
County of Oneida, ss.

Lais Evans being first duly sworn on

her oath, states: That she is *bookkeeper*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof the date of the first publication being the *22* day of *October*, 19*64*, the date of the last publication being the *12* day of *November* 19*64*.

Lais Evans

Subscribed and sworn to before me this *30th* day of

November 19*64*

E. Scott

Notary Public, residing at Malad, Idaho

My Commission expires the....day of, 19....

Costs: *51* lines at 13c per line first insertion \$. *6.63*

.....lines tabulated at 20c per line \$.....

10c per line each subsequent insertion \$. *15.30*

TOTAL \$. *21.93*

(Rates for legal notices are fixed by Idaho law)

NOTICE OF PROOF
OF COMPLETION OF WORKS
and APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11:00 A.M., on the 30th day of November, 1964, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at 26 Court Street, proof will be submitted of the completion of works for the diversion of *2.4* cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28250, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is *David W. Jenkins, Box 121, Malad, Idaho*.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is *2.4* cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is *2.4* cubic feet per second.

4. The point of diversion of said water is *NW 1/4 SE 1/4* of Section 30, Township 15 South, Range 36 East, Boise Meridian.

5. The place where said water is used is *NE 1/4* and the *NW 1/4 SE 1/4* of Section 30, Township 15 South, Range 36 East, Boise Meridian.

6. The date of priority which said user is prepared to establish is *October 30, 1959*.

Carl E. Tappan
State Reclamation Engineer
10-22 11-12 t4

28250

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28250/15-2053 Priority Nov. 23, 1959 Amount 2.40 cfs
(late proof)

THIS IS TO CERTIFY, that TOM WILLIAMS
of Bountiful, Utah, has complied with the terms and conditions of Permit
No. 28250/15-2053 issued pursuant to Application for Permit dated October 30, 1959,
and has submitted proof to the Department of Water Administration on November 30, 1964,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.0 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.40 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.40 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Twp. 15 S, Rge. 36 E, B.M.

in the county of Oneida; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 423.5 acre feet per year or _____
3.5 acre feet per acre.

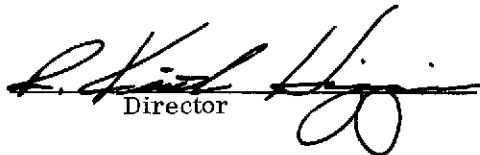
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S	36 E	30		30	26	26										39			121

Total number of acres irrigated 121

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
October, 19 73.


Director

15 2053

15-1053

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Assigned

Application No. G- 36211
Permit No. G- 28250
District No.

1. Name of Applicant: David W. Jenkins

Postoffice address: Box 121, Malad

County: Oneida

State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 2.4 or Idaho
Miners' inches 120 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean waters

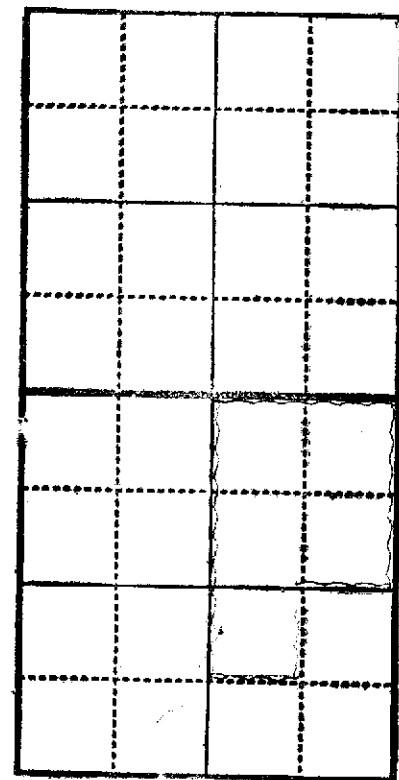
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30
Twp. 15 S, Rge. 36 E, B.M., County of Oneida

5. Water is to be used for: Irrigation of crops

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.



7. Kind of works: Deep well, cased, with pump

8. Estimated cost of works: \$ 8,000.00

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 2 shares of the Capital Stock of Samaria Lake Irrigation Company

(a) 2.4 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ David W. Jenkins Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. October 30, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28250

Recorded in Book 99 Page 28250 Approved November 6, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before May 6, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before November 6, 1964

Witness my hand this 6th day of November, 1959

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th
day of November, 1959

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
15 S	36 E.	30	40	20	32	40										38			

LICENSE ISSUED FOR 240 SEC. FL
LICENSE PAGE NO. 170

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 5, 1973

Re: Permit No. 28250/15-2053

Mr. Tom Williams
32 West 900 North
Bountiful, Utah 84010

Dear Mr. Williams:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Enclosed herewith is a copy of the Water License issued on the above referenced permit. We are also enclosing Receipt #12441 for \$17.00 covering the licensing fee.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR/bjg

Enclosures

cc: Mr. Dennis Dines, County Supv.
Farmers Home Administration
Malad, Idaho 83252

Enc: Copy of License

15 2030

RECEIVED

State of Idaho

Department of Water Administration

SEP 28 1973

ASSIGNMENT OF PERMIT

Department of Water Administration

I, William J. Powell, hereby assign to Tom Williams
of 32 West 900 North, Bountiful, Utah 84010,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 15-2053
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 18th day of July, 19 73.

William J. Powell

Permit Holder

Quinn Powell

Spouse of Permit Holder

State of Idaho)
County of Franklin) ss.

On this 18th day of July, 19 73, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Norman A. Parks

Notary Public residing at

Preston, Idaho

My commission expires: 5/25/1974

15 2053

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

May 22, 1973

Re: Permit No. 28250/15-2053
William J. Powell

Receipt #
pt 9-28-73
ds

Mr. & Mrs. Tom Williams
32 West 900 North
Bountiful, Utah 84010

Dear Mr. & Mrs. Williams:

Pursuant to our phone conversation please find enclosed a copy of the above referenced permit.

A representative of this Department made an examination of the works covered by this permit and found the following:

Quantity of water diverted: 3.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.40 cfs

The maximum quantity diverted shall not exceed 563.5 acre feet per year.

Beneficial use: Irrigation of 161 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30; Twp. 15 S, Rge. 36 E, B. M.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 15 S, Rge. 36 E, B. M.

Priority date established: November 23, 1959

The Department is prepared to issue a water license as set forth above, however, you will note that the lands found being irrigated by our examiner differ from those lands listed under the permit. Therefore, before the license is issued, we would require that the permit be amended to include the acreage found in Section 29.

In December, 1972, we notified Mr. Powell of the findings of the field examiner and advised him of the needed amendment. However, to this date, we have not heard from Mr. Powell regarding this matter.

15 2053

Page 2

Mr. & Mrs. Tom Williams

Re: 28250/15-2053

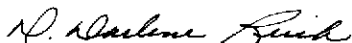
May 22, 1973

A permit with this Department is considered personal property, therefore, in order for you to sign the amendment and receive the water right license in your name, it will be necessary for Mr. Powell to assign the permit to you. We are enclosing a partially completed application for amendment and an assignment form for your use. We have not entered your names on these forms as we were not sure how you wanted the names listed. We would suggest that both the husband and wife's name appear, i.e., Tom Williams &/or _____ Williams.

You should also be aware that there is a \$17.00 licensing fee due, therefore, we would require a fee totaling \$27.00 along with the completed assignment and amendment before a license could be issued.

If you have any questions regarding the permit or if we may be of further assistance, please contact us.

Sincerely,



D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Copy of permit
Amendment form
Assignment form

15 2053

February 2, 1973

Mr. Ralph H. Jones, Jr.
Jones, Pomeroy & Jones
Central Bldg.
Pocatello, Idaho 83201

Re: Permit 28250/15-2053
William J. Powell

Dear Mr. Jones:

In our telephone conversation of January 31st, you asked that we send additional information concerning the above referenced permit.

Enclosed please find a copy of the permit. You will note in comparing the permit with the proposed license that the rate of diversion is the maximum allowed under the permit and that the proposed number of acres is almost equal to the number of permitted acres.

You mentioned that an additional 60 acres on the Earl J. Tubbs ranch is irrigated from this same well and should be included on the proposed license; however, from the above comparison you can see it would be impossible without increasing the permitted right.

We would suggest that the permit be amended as we have proposed in order that the water license might be issued.

We could find no water right in our records for the Tubbs ranch, therefore, we have enclosed a claim to an existing water right form for your consideration.

If you need additional information, please let me know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr
Enclosures

15 2053

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

January 3, 1973

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Bobby D. Fleenor
Assistant Director

Re: Permit No. 28250/15-2053
William J. Powell.

Thank you for your letter of December 29, 1972. I will be back in touch with you within the next two or three weeks and will attempt to get this permit corrected as requested so that we can get this matter closed.

Yours truly,

JONES, POMEROY & JONES

By

Ralph H. Jones, Jr.
Ralph H. Jones, Jr.

RHJj rb

15 2053

December 29, 1972

Mr. Ralph H. Jones, Jr.
Jones, Pomeroy & Jones
Central Bldg.
Pocatello, Idaho 83201

Re: Permit No. 28250/15-2053
William J. Powell

Dear Mr. Jones:

We received your December 6th letter concerning the background and status of Permit 28250/15-2053 presently in the name of William J. Powell.

Originally the permit was in the name of David W. Jenkins who is now deceased. The land set out as the place of use on the permit was distributed along with his estate, but Permit 28250/15-2053 was not and, therefore, was left in the estate.

The Department examined the project to determine the amount of beneficial use that had been made of the water. The examiner found 161 acres of land being irrigated but 40 acres of which was not included under the permit. Therefore, before a license could be issued, for the irrigation of 161 acres, the permit had to be amended by the permit holder who was deceased. This difficulty of ownership has now been resolved and Mr. Powell is now the permit holder.

However, we have not received from Mr. Powell the amendment requested by our December 5th letter which would enable us to issue the water license for the irrigation of 161 acres. A copy of that letter is enclosed for your reference.

If you have any other questions regarding this permit, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr
Enclosure

15 2053

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
PHONE 232-3461
Pocatello, Idaho 83201

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

December 6, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State of Idaho
State House -- Annex
Boise, Idaho 83707

Re: David W. Jenkins
Permit 28250/15-2053

Dear Mr. Higginson:

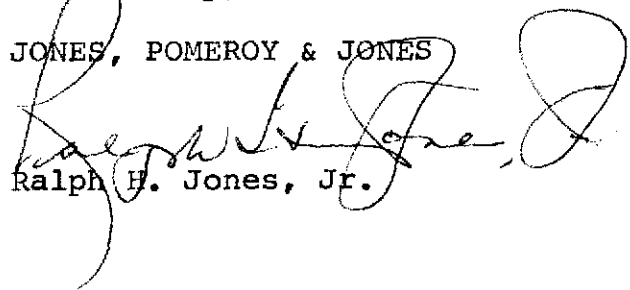
Our office represents Mr. William Powell of Clifton, Idaho, who bought the property upon which the well of Mr. Jenkins is located and I am trying to get something going to get this matter straightened out.

I have no background on the original filing or what has been done since in regard to the permit and I would appreciate it if you would advise what is necessary to bring this matter to a conclusion from the records on file in your office. The well is on the premises and has been used for many years last past.

Kindly advise.

Yours truly,

JONES, POMEROY & JONES


Ralph H. Jones, Jr.

RHJj b

15 2053

December 5, 1972

Mr. William J. Powell
Clifton,
Idaho 83228

Re: Permit No. 28250/15-2053

Dear Mr. Powell:

We recently received an assignment which conveyed the above referenced permit to you.

A representative of this Department has made an examination of the works covered by this permit and has found the following:

Quantity of water diverted: 3.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.40 cfs

The maximum quantity diverted shall not exceed 563.5 acre feet per year.

Beneficial use: Irrigation of 161 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30; Twp. 15S, Rge. 36E, B.M.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 15S, Rge. 36E, B.M.

The priority date established: Nov. 23, 1959

The lands found being irrigated by our field examiner differ from those lands listed under the permit, therefore, it will be required that the permit be amended before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee.

You should also be aware that there is a \$17.00 licensing fee due; therefore, a fee totaling \$27.00 and the completed amendment application must be received within 30 days of the date of this letter in order that we may issue you a water license as set forth above. If you have any questions regarding any of the above matters, please contact us within the 30-day limit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment form

15 2053

Bliften Idaho
Nov 14 - 1972

RECEIVED

NOV 17 1972
Department of Water Administration

Mr. R. Keith Higginson,
Department Of Water Administration
State Of Idaho
State House - Annex 2.
Boise, Idaho 83707

Dear Mr Higginson:

I am writing in reference to Permit 28250/15-2053. N/O David W Jenkins William S Jenkins & Malad has been handling this business of David W Jenkins Estate. I received a letter from him stating that he had sent you a photocopy of the new supplemental decree of distribution in the Estate of David W Jenkins and a copy of the assignment of William S Shope interest to William S Powell.

I would like to know what I will have to do to finish proving up on this well and what the fee will be.

Sincerely,

William S Powell 2053

J.N.IRELAND & COMPANY

BANKERS

MEMBER FEDERAL RESERVE SYSTEM

MALAD CITY, IDAHO

November 6, 1972

RECEIVED

NOV 9 1972

Department of Water Administration

Mr. R. Keith Higginson, Director
Department of Water Administration
State of Idaho
State House-- Annex 2
Boise, Idaho 83707

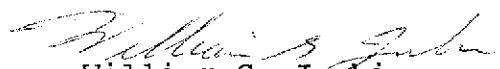
RE: Permit 28250/15-2053
n/o David W. Jenkins

Dear Mr. Higginson:

Enclosed herewith is a photocopy of the new supplemental Decree of Distribution in the Estate of David W. Jenkins and a copy of the assignment of William D. Thorpe's interest to William J. Powell. You will note that both of these documents have now been recorded by the Oneida County Recorder.

Your correspondence concerning this permit can now be addressed to William J. Powell, Clifton, Idaho as he is now the owner of the lands of David W. Jenkins and the above permit.

Sincerely,


William G. Jenkins
President

cc: William D. Powell

OK
BDF

10 1055

E. L. Scott
P. O. Box 145
Mald City, Idaho
Tel. No.: 766-4000

State of Idaho
County of Oneida } ss.
I hereby certify that the foregoing is a full, true and
copy of Original
In the Matter of the Estate of David
W. Jenkins
Who on last and day of 1972 Court do
Arthur C. Phillips
Sh. of the Probate Court

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA
MAGISTRATE'S DIVISION

Case No. _____
In the Matter of the Estate) PROBATE
of DAVID W. JENKINS, deceased)
ANOTHER SUPPLEMENTAL DECREE
OF DISTRIBUTION

Based upon the Application of J. N. Ireland & Company,
Bankers and good cause appearing:

It is hereby Ordered, Adjudged and Decreed that the
Permit 28250/13-2853 issued by the State of Idaho, Department of
Water Administration to David W. Jenkins, be and the same is here-
by distributed to William D. Thorpe and William J. Powell.

Dated September 27, 1972.

GEORGE R. PHILLIPS
Magistrate

907732
State of Idaho, County of Oneida: ss.
I hereby certify that this instrument was filed for record at
request of J. N. Ireland & Co. at 45 minutes past 3
o'clock P.M. this 17 day of Oct. 1972 in my office
and duly recorded of said County of Oneida, Idaho. 907732
Fee 1.00
By Calvin H. Sweeten
Deputy

ASSIGNMENT

For value received, I, William D. Thorpe, do by then presents assign, transfer and set over unto William J. Powell all of my right, title and interest in and to that certain Permit # 28250/15-2053 issued by the State of Idaho, Department of (Reclamation) Water Administration to David W. Jenkins, now deceased.

William D. Thorpe

Dated this 16th Day of October 72.

STATE OF IDAHO
COUNTY OF ONEIDA

On this 16th day of October 1972, before me, William G. Jenkins, a Notary Public in and for said State, personally appeared William D. Thorpe and executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

My Commission
expires 7/16/75

William G. Jenkins
Notary Public for the State of Idaho
Residing at Malad City, Idaho

State of Idaho, County of Oneida ss. **90733**
I hereby certify that this instrument was filed for record at
request of *J. H. Salas* at 57 minutes past 3
o'clock P.M. this 17 day of Oct, A.D. 1972 in my office
and duly recorded on File as follows: 90733
Fee 1.00
By *Calvin H. Sweetland*
Deputy Recorder
By *Melba Jensen*
Deputy

September 18, 1972

C Mr. William G. Jenkins
J.N. IRELAND & COMPANY
P.O. Box 186
Malad City, Idaho 83252

Re: Permit 28250/15-2053
David W. Jenkins

Dear Mr. Jenkins:

O We appreciate your concern in regard to Permit 15-2053 as shown by your recent visit to this office and your correspondence of September 5, 1972.

P As I explained during your visit, the problem of issuing a license to irrigate 161 acres as we proposed in our letter of May 15, 1972, a copy of which is enclosed, is the lack of an application from the permit holder for an amendment of the land.

P Y There appears to be several alternatives to the problem. First, is the 40 acres in Sec. 29 which were not covered by the original permit could be deleted and a license issued for the irrigation of 121 acres. Second, the Executor of the estate could be reappointed and then assign the permit to the proper owners with subsequent assignments made as necessary to the present owners and then the present owners could submit the required amendment. Third and finally, the same thing could be accomplished by a supplemental decree of distribution which could decree the permit by number to the proper owners.

If we can be of any assistance in this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr
Enclosure

15 2053

J.N.IRELAND & COMPANY

BANKERS

MEMBER FEDERAL RESERVE SYSTEM

MALAD CITY, IDAHO

Sept. 5, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State of Idaho
Statehouse--Annex 2
Boise, Idaho 83707

RE: Permit 28250/15-2053
n/o David W. Jenkins

Dear Mr. Higginson:

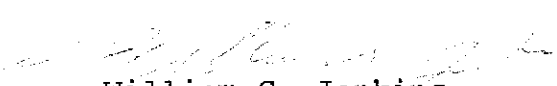
Be advised that David W. Jenkins passed away on May 31, 1966, and this bank was appointed Executor of his estate under the terms of his will. Our period of administration terminated on December 3, 1969 at which time we were discharged by the court.

As a part of the will of David W. Jenkins the farm property and his interest in the above mentioned well were decreed to William D. Thorpe, RFE # 1, Malad City, Idaho 83252 and William J. Powell, of Clifton, Idaho, share and share alike by Supplemental Decree of Distribution filed November 25, 1968.

We have direct knowledge that William J. Powell, and a Thomas D. Pennock of 260 South Fanning, Idaho Falls, Idaho, purchased the undivided 1/2 interest in the land and well from William D. Thorpe and this deed should have been filed on or shortly after May 3, 1972.

Your notice of "Failure to Submit and Amendment" fee should be redirected to them at the addresses listed.

Sincerely,


William G. Jenkins
President & Trust Officer

15 2053

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

Estate of David W. Jenkins

CERTIFIED NO.

31707

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

J. N. Ireland + Company, Boston

William S. Jenkins *Executor*

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

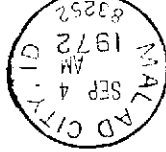
SEP - 4 1972

③

15 2053

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

Postmark of Delivering Office



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

SENDER INSTRUCTIONS

↑
• Print in the space below your name, address, including ZIP Code.
• If special services are desired, check block(s) on other side.
• Moisten gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF HEALTH, EDUCATION & WELFARE
ADMINISTRATION

August 31, 1972 CERTIFIED MAIL #31707

David W. Jenkins
Box 121
Malad, Idaho 83252

Dear Mr. Jenkins:

It appearing to the Department of Water Administration that the terms and conditions of Permit 28250/15-2053 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing and amendment fee in the amount of \$27.00,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before October 10, 1972, why said permit should not be cancelled.

Permit 28250/15-2053 claims the use of 2.4 cubic feet per second of water from a ground water source, the point of diversion was to be located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 15S, Rge. 36E.B.M. and the permit was approved November 6, 1959.



R. KEITH HIGGINSON
Director

15 2053

May 15, 1972

Mr. David W. Jenkins
Box 121
Malad, Idaho 83252

Dear Mr. Jenkins:

A representative of this Department has made an examination of the works covered by your Permit No. 28250/15-2053 and has found the following:

Quantity of water diverted: 3.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.40 cfs

The maximum quantity of water diverted shall not exceed 563.5 acre feet per year.

Beneficial use: Irrigation of 161 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (29), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (11), Sec. 29; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (30), S $\frac{1}{4}$ NE $\frac{1}{4}$ (52), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (39), Sec. 30; Twp. 15 S, Rge. 36 E, B. M.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 15 S, Rge. 36 E, B. M.

The priority date established: November 23, 1959 (late proof)

The lands found being irrigated by our field examiner differ from those lands listed under your permit, therefore, it will be necessary for you to amend your permit before a license can be issued. We are enclosing a partially completed application for amendment for your use in this matter. Please complete the application and return it to this office with a \$10.00 filing fee.

There is also a \$17.00 licensing fee due; therefore, a fee totaling \$27.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above. If you do not concur with these findings, please contact us within the 30 day limit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment application

15 2053

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28250/15-2053

REPORT ON PROOF OF Completion of Works & Beneficial Use

David W. Jenkins, P. O. Box 121, Malad, Idaho

15 2053

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

River at Wm. Thorpe

~~15-2053~~

Chk. by myl



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-28250/15-2053This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant David W. Jenkins
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the NW 1/4 SE 1/4 of Section 30
T. 15S R. 36 E.B.M. County of Oneida
4. Describe works as they exist, giving dimensions and capacities of same:
U.S. Motors 40 H.P. see no. 1213194 Peerless Pump no. 188871
8" discharge to buried main. 10" goes East 1/4 mi & NORTH
1/4 mi. 8" buried main goes 10" west then North 330' to open
cement box with buried line north and open ditch East. buried
line north 220' to another cement box with open ditch East & N
see DIAGRAM
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW 1/4, NW 1/4 SE 1/4 Sec. 30., Twp. 15 S., Rge. 36 E.B.M.SW NW 1/4 & NW SW sec 29 15, 15 36 E

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Wm Thorpe Accompanied the exam
Need Amendment on Land Usage

Exam made with pygmy meter in ditch at the
end of western main as the water was diverted
eastward

Wm Thorpe, Malheur, saw the property owner

This examination was made on the 15 day of July, 19 70(Signed) William Schmitt

Examiner.

15, 2053

mjl
8-20-70

David W. Jenkins
P. O. Box 121
Malad, Idaho
Permit No. G-28250 /15-2053

Examination for Completion of Works & Beneficial Use

County: Oneida

Quantity: 2.4 Sec. 30 T.15S R. 36 EBM

15-

Source: well

P.D.: NW 1/4 30-15S-36E

Use: Irrigation

Filed: 30 October 59

Due: 6 November 64

Extension: —

Protest: —

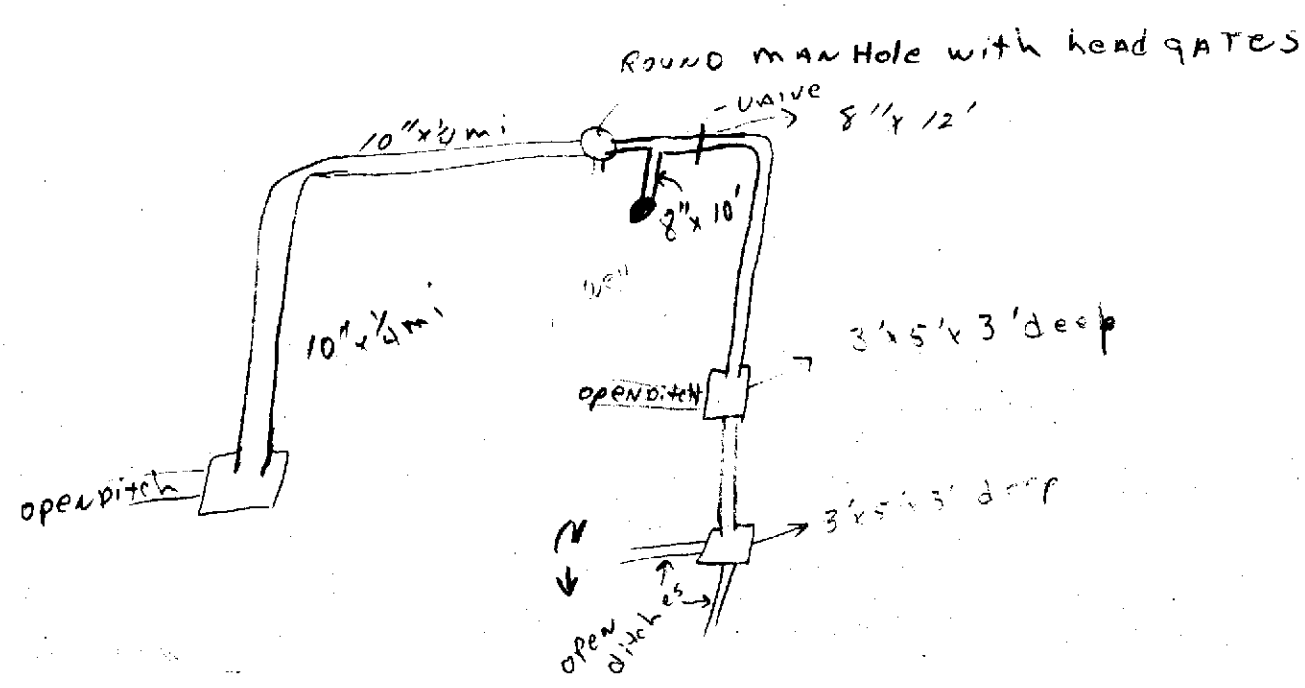
Completion of Works: —

Other Rights: 2 shares in
Samaritan Irrigation
Company
Made Nov. 30, 1964

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

15 2053

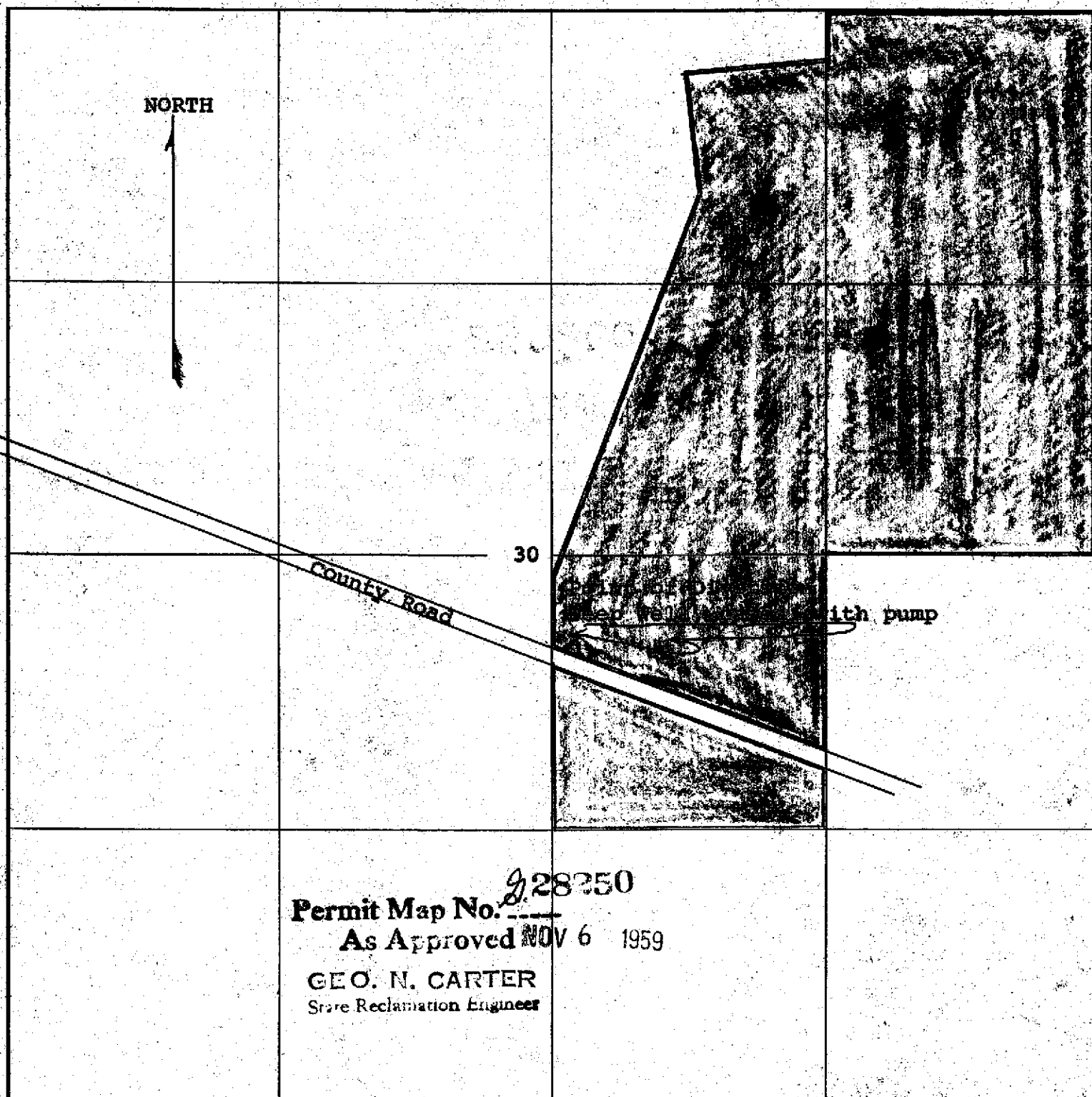


Name of Applicant:

DAVID W. JENKINS

P. O. Box 121, Malad, Idaho

Section 30, Township 15 South, Range 36 East, Boise Meridian



Scale: 1 inch = 40 rods

exam made
July 15, 70

28250

1M April 1962

December 7, 1964

Re: Permit No. 28250

David W. Jenkins
P. O. Box 121
Malad, Idaho

Dear Mr. Jenkins:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the IDAHO ENTERPRISE, all submitted in proof of completion of works and beneficial use on Permit No. 28250.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: B. L. Scott
Attorney at Law
26 Court Street
Malad City, Idaho

28250

Affidavit of Publication

State of Idaho
County of Oneida, ss.

L. J. Evans being first duly sworn on
her oath, states: That she is *bookkeeper*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof the date of the first publication being the *22* day of *October*, 19*64* the date of the last publication being the *12* day of *November* 19*64*.

L. J. Evans

Subscribed and sworn to before me this *30th* day of

November 1964

L. Scott

Notary Public, residing at Malad, Idaho

My Commission expires the....day of, 19....

Costs: *51* lines at 13c per line first insertion \$ *6.63*
.....lines tabulated at 20c per line \$.....
10c per line each subsequent insertion *\$15.30*
TOTAL \$ *21.93*

(Rates for legal notices are fixed by Idaho law)

NOTICE OF PROOF
OF COMPLETION OF WORKS
AND APPLICABILITY OF WATER
TO BENEFICIAL USE
Whereas, it is given that at
the Malad, Idaho, on the 22nd day of
October, 1964, at Malad City,
County of Oneida, State of Idaho,
before me, L. J. Scott, Notary Public,
at 26 Court Street, proof will
be submitted of the completion of
works for the diversion of 2.4
cubic feet per second of under-
ground water from a well, and of
the application of said water to
beneficial use in accordance with
the terms and conditions of Per-
mit No. 20228, heretofore is-
sued by the Department of Re-
clamation of the State of Idaho.
1. The name and postal ad-
dress of the person or corporation
holding said permit is David
W. Jenkins, Box 121, Malad, Ida-
ho.
2. Said works of diversion will
be fully completed on the date set
for such completion, and the a-
mount of water which said works
are capable of conveying to the
place of use is 2.4 cubic feet per
second.
3. The use to which said water
has been applied is irrigation
purposes, and the amount applied
to beneficial use is 2.4 cubic feet
per second.
4. The point of diversion of said
water is NE 1/4 of Section
30, Township 15 South, Range 36
East, Boise Meridian.
5. The place where said water
is used is NE 1/4 and the NW 1/4 SE
1/4 of Section 30, Township 15
South, Range 36 East, Boise Me-
ridian.
6. The date of priority which
said user is permitted to establish
is August 20, 1963.
L. J. Scott
Notary Public, residing at Malad, Idaho
16-27-11-12-14

December 3, 1964

RE: Permit No. G-28250
David W. Jenkins

E. L. Scott
Attorney at Law
26 Court Street
Malad City, Idaho

Dear Mr. Scott:

Returned herewith are proofs of completion of works and application of water to beneficial use for the above referenced permit. Question #4 on all the depositions are in conflict with the permit as recorded in this office and the publication notice attached. Mr. Jenkins has the range listed as 35 E. for the point of diversion; we have it listed as 36 E. It is further noted that he did not complete questions #6 and #8. Both witnesses have the range listed as 15E. vice 36E.

Please make the necessary corrections and return promptly.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

M. Russell Bosch, Assistant
Water Rights and Records Section

MRB:mr

Enc. proofs

28250

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 3 1964
DEPARTMENT OF RECLAMATION

Permit No. G-28250

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: _____

David W. Jenkins, Oneida County, Idaho; Occupation - Retired; P.O. Box 121
Malad, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G-28250 ~~November 6, 1959~~ November 6, 1959 Oct 30, 59

Ques. 4. State source of water supply: Subterranean
Give location of point of diversion, showing subdivision, section, township and range:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Township 15 South, Range 36 East Boise Meridian

Ques. 5. Describe your works of diversion: deep well, cased, electric pump; 800 ft.
of 8" pipe; state amount of water they are capable of con-

veying from point of diversion to place of use 2.4 c.f.s.; Give name of canal or ditch or other works by which water is conducted to such place of use: none

_____; if a well, state depth of well 275 ft.; depth and size of casing: 200 ft. of 14" and 75 ft of 10"; depth to water 26 ft.; if pump is used, state discharge of pump: 2.4 c.f.s.; tell how it was measured or determined: designed for peak efficiency by _____; if sprinkler irrigation, give number and size of nozzles and company
operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water: _____

Section 30, Township 15 South, Range 36 East Boise Meridian:

E $\frac{1}{2}$ NE $\frac{1}{4}$ - 80 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 acres

State nature of all improvements which have been made as a direct result of said use: _____

Irrigation distribution system at a cost of about \$4000.00 installed

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Charles B. Gardner, Malad, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

This is for Irrigation purposes only

Ques. 8. What is the minimum amount of water required for the purpose specified above:

1 miner's inch per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: June 15, 1960 Time used since first use: .

Water used each irrigation season at all times since

Ques. 11. Describe all other water rights appurtenant to same place of use:

Two shares capital stock of Samaria Lake Irrigation Company

(sign) David W. Jenkins

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Malad City, County of Oneida

State of Idaho, on this 30th day of November, A.D. 19 64.

E. J. Scott

My Commission expires: May 19, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
Permit No. G-28250

RECEIVED
DEC 3 1964
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Distribution of Water

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Charles B. Gardner; age - 68 yrs; Residing at Malad City, Idaho; Occupation
Well-drillers; P. O. address is Malad City, Idaho

Ques. 2. Are you acquainted with David W. Jenkins, the holder of
Permit No. G-28250? How long have you known him and where does he reside:

20 years, Oneida County, Idaho

Ques. 3. Have you read or heard said Permit No. Yes read, and are you familiar
with its provisions and conditions: Yes: Yes No:

Ques. 4. State source of water supply: Underground

State place of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Township 15 South, Range 36 EBM

Describe works for conveying water to place of use: Pipe and open ditch for surface
irrigation

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 2.4 c.f.s. How much water have you seen being so
conveyed: 2.4 c.f.s.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Section 30, Township 15 South, Range 36 East Boise Meridian:

E $\frac{1}{2}$ NE $\frac{1}{4}$ - 80 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 acres

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Loam soil; requiring approx. 1 miner's inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: April of 1960

Other times you have seen such use: Have seen works being operated each irrigating season since.

(Signed)

Charles B. Gardner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City

 , County of Oneida, State of Idaho, on this 30 day of November,
1964.
A. D., 1964.

E. J. Scott

Notary Public for State of Idaho

Residing: Malad, Idaho

My commission expires: May 19, 1967

RECEIVED
DEC 3 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28250

Department of Reclamation

RECEIVED
DEC 7 1964

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Keith Dudley, age 47 years, residing in Oneida County, Idaho, occupation -
farmer, Rt. 1, Box 58, Malad City, Idaho

Ques. 2. Are you acquainted with David W. Jenkins, the holder of
Permit No. G-28250 ? How long have you known him and where does he reside:

Known David W. Jenkins 20 years, Oneida County, Idaho

Ques. 3. Have you read or heard said Permit No. Yes read, and are you familiar
with its provisions and conditions: Yes: Yes No:

Ques. 4. State source of water supply: Underground

State place of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Township 15 South, Range 36 EBM

Describe works for conveying water to place of use: Pipe and open ditch for surface
irrigation

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 2.4 c.f.s. How much water have you seen being so
conveyed: 2.4 c.f.s.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Section 30, Township 15 South, Range 36 East Boise Meridian:

E $\frac{1}{2}$ NE $\frac{1}{4}$ - 80 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 20 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 acres

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Loam soil; requiring approx. 1 miner's inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: First of June, 1960

Other times you have seen such use: I am a neighbor and have seen it used each irrigating season since June, 1960

(Signed)

Keith Oakley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City

 , County of Oneida, State of Idaho, on this 30 day of November,

1964
A. D., ~~1962~~.

E. J. Scott

Notary Public for State of Idaho

Residing: Malad, Idaho

My commission expires: May 19, 1967

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 19, 1964

(P. O.) Box 121 Malad, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Idaho Enterprise of Malad City, Idaho published in the county in which the works are situated.

David W. Jenkins

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

10/1/63

NOTICE OF PROOF OF COMPLETION OF WORKS

OCT 20 1964

and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 11:00 AM., on the 30th day of November 1964, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at (address) 26 Court Street, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28250, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is David W. Jenkins, Box 121, Malad, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is Irrigation, purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 15 South, Range 36 East, Boise Meridian

5. The place where said water is used is NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 15 South, Range 36 East, Boise Meridian

6. The date of priority which said user is prepared to establish is November 6, 1959

Carl E. Tappan

State Reclamation Engineer

28250 /

Re: Permit No. G-28250
David W. Jenkins

Date: Oct. 20, 1964

Idaho Enterprise,
Malad City, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to November 30, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant David W. Jenkins
of Box 121, Malad, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

October 20, 1964

Re: Permit No. **G-28250**

Mr. David W. Jenkins,
Box 121,
Malad, Idaho.

Dear Mr. Jenkins:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-28250**. The proofs are to be made at **11:00** o'clock **A.M.**, on the **30th** day of **November**, 19**64**, before **E. L. Scott, 26 Court Street, Malad City, Idaho**, Notary Public.

As of this date, we have mailed the Notice to the **Idaho Enterprise Malad City, Idaho**, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

28250

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28250

Oct. 1, 1964

David W. Jenkins
Box 121
Malad City, Idaho

Dear Mr. Jenkins:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28250 are due not later than Nov. 6, 1964

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures Forms 36 and 11

28250

November 17, 1959

Re: Permit No. G-28250

Mr. David W. Jenkins
Box 121,
Malad City, Idaho

Dear Mr. Jenkins:

We enclose Permit No. G-28250 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-4420 which was issued covering payment in the amount of \$5.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:pmk

28250

Ray & Scott
Attorneys
Malad City
Idaho

RECEIVED
OCT 30 1959
Department of Reclamation

October 29, 1959

Edna P. Rutledge
Chief Clerk
Department of Reclamation
Boise, Idaho

Dear Mrs. Rutledge:

Please find enclosed Application to appropriate the public waters of the State of Idaho, by David W. Jenkins, together with money order in sum of \$5.50 representing filing fee. Please issue Permit and oblige.

Also, I am running short of the Application blanks (Form No. 3). Would you kindly send me a supply of these - - say 20 or 30?

Thanking you, I remain,

Very truly,

Ray & Scott

By



October 23, 1959

Re: Application for Permit

Mr. David W. Jenkins
Box 121
Malad, Idaho

Dear Mr. Jenkins:

Enclosed is Form 3, Application for Permit to appropriate subterranean water with instructions.

State Statutes provide that certain information is necessary to complete the application and this form provides space for the answers.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Anna P. Rutledge
Chief Clerk

EP:ew
Enc. Form 3
instructions

28250
RT

RECEIVED
OCT 23 1959

RECEIVED

OCT 20 1959

OFFICE OF ADMINISTRATION

Department of Reclamation

Malad, Idaho; October 19th. 1959

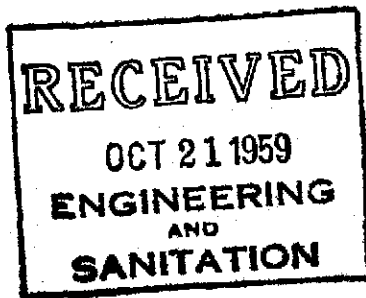
Office of State Engineer
State House Bld.
Boise, Idaho;

Dear State Engineer;

I, David W. Jenkins, of Malad, Idaho; Box 121 hereby make application to your Department for a permit to dig a 14 inch dug well to be located in West center part of the Northwest quarter of the Southeast quarter of Section 30 in Township 15 South, Range 36 East, Boise Meridian in Oneida County Idaho, said well to serve irrigation of above said 40 acres and the Northeast quarter of Section 30 in Tp. 15 South, Range 36 East Boise Meridian, containing 200 acres in all, which land I own.

David W. Jenkins

David W. Jenkins, Malad, Idaho.
Applicant



**NOTICE OF PROOF
OF COMPLETION OF WORKS
and APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 11:00 A.M., on the 30th day of November, 1964, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at 26 Court Street, proof will be submitted of the completion of works for the diversion of 2.4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28250, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is David W. Jenkins, Box 121, Malad, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.4 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 15 South, Range 36 East, Boise Meridian.

5. The place where said water is used is NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 15 South, Range 36 East, Boise Meridian.

6. The date of priority which said user is prepared to establish is October 30, 1959.

Carl E. Tappan

State Reclamation Engineer

10-22 11-12 t4

28250